

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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New York City District Council of Carpenters Pension Fund,
New York City District Council of Carpenters Welfare Fund,
New York City District Council of Carpenters Annuity Fund,
and New York City District Council of Carpenters
Apprenticeship, Journeyman, Retraining, Educational and
Industry Fund, by their trustees, Frank Spencer, Douglas J.
McCarron, John Ballantyne, Paul Tyznar, Paul O'Brien,
Kevin M. O'Callaghan, Catherine Condon, David Meberg,
Bryan Winter, and John DeLollis,

Plaintiffs,

-against-

Michael Forde, John Greaney, Joseph Olivieri, Brian Hayes,
Michael Mitchell, Finbar O'Neill, K.A.F.C.I., Michael Brennan,
Turbo Enterprises, Inc., Terence Buckley, Pitchohn Construction
Enterprises, Inc., Gerard McEntee, Pyramid Associates
Construction Corp., James Duffy, Brian Carson, Joseph Ruocco,
John Stamberger, and Michael Vivenzio,

Defendants.
-----X

ANSWER

11 Civ 5474 (LBS)

Defendant BRIAN HAYES, by his attorney, James R. Froccaro, Jr., as and
for his Answer to the Complaint, alleges as follows:

1. Denies knowledge or information to form a belief as to the truth of the
allegations contained within paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20,
21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48,
49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 73, 74, 75, 76, 77,
78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102,
103, 104, 105, 106, 107, and 108 of the Complaint, and respectfully refers all questions of law

contained within these paragraphs to the Court.

2. Denies the allegations made within paragraphs 1, 14, 36, and 72 of the Complaint, and respectfully refers all questions of law contained within these paragraphs to the Court.

3. Admits the allegations contained within paragraphs 2, 41, 70, and 71 of the Complaint, and respectfully refers all questions of law contained within these paragraphs to the Court.

ANSWERING THE FIRST CLAIM FOR RELIEF

4. Incorporates by reference the answers previously provided to paragraphs 1-108 of the Complaint with respect to the allegations made in paragraph 109 of the Complaint.

5. Denies knowledge or information to form a belief as to the truth of the allegations contained within paragraphs 110, 111, 112, 113, and 115 of the Complaint, and respectfully refers all questions of law to the Court.

6. Denies the allegations contained within paragraphs 114, 116, 117, 118, 119, 120, 121, 122, 123, and 124 of the Complaint, and respectfully refers all questions of law to the Court.

ANSWERING THE SECOND CLAIM FOR RELIEF

7. Incorporates by reference the answers previously provided to paragraphs 1-124 of the Complaint with respect to the allegations made in paragraphs 125 of the Complaint.

8. Denies knowledge or information to form a belief as to the truth of the allegations contained within paragraph 126 of the Complaint, and respectfully refers all questions of law to the Court.

9. Denies the allegations contained within paragraphs 127, 128, 129, 130, 131, 132, 133, 134, 135, and 136 of the Complaint, and respectfully refers all questions of law to the Court.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

10. The Complaint does not allege a claim upon which relief may be granted as to defendant Brian Hayes.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

11. The Complaint is barred, in whole or part, because of a prior money judgment entered against defendant Brian Hayes in connection with a federal criminal case.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

12. The Complaint is barred, in whole or part, because of a prior agreement entered into between Brian Hayes and the New York City District Council of Carpenters.

WHEREFORE, defendant Brian Hayes demands judgment dismissing the Complaint with costs.

Dated: Port Washington, New York
November 28, 2011

Yours, etc.,

/JRF/

JAMES R. FROCCARO, JR. (JRF-5461)
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ANSWER

JAMES R. FROCCARO, JR.

Attorney for Defendant Brian Hayes

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